

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE
CONCORD DIVISION

LILLIAN BERNIER

Plaintiff,

v.

No. 1:23-CV-00523-lm-aj

TURBOCAM, INC.; HEALTH PLANS, INC.;
HARVARD PILGRIM HEALTHCARE OF
NEW ENGLAND, INC.,

Defendants.

**TURBOCAM'S RESPONSE TO THE STIPULATION OF VOLUNTARY DISMISSAL
OF COUNT VI**

Turbocam does not oppose the stipulation of dismissal of Count VI on the following condition: The dismissal should be without prejudice to Turbocam asserting its rights in the event of a claim or defense arising out of its contractual relationship with Defendants Health Plans, Inc., or Harvard Pilgrim Healthcare of New England, Inc., including any indemnity or contribution claim under the contract. *Cf. Drake v. Nat. Life Ins. Co.*, No. 17-3170, 2018 WL 6329142, at *1 (E.D. Pa. Dec. 4, 2018).

Dated: September 5, 2024

Respectfully submitted,

TURBOCAM, INC.,
By and through its attorneys,

/s/ Francis R. Genus

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CERTIFICATE OF SERVICE

I, Francis R. Genus III, hereby certify that on September 5, 2024, the foregoing document, filed through the CM/ECF System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Francis R. Genus III

Francis R. Genus III